

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OPERATING ENGINEERS' LOCAL 324
PENSION FUND et al.,

Plaintiffs,

Case No. 04-CV-73039-DT

v.

THOMAS GOODFELLOW, INC. et al.,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE
PLAINTIFFS' "REQUEST AND ORDER TO SEIZE PROPERTY"**

On March 14, 2006, Plaintiffs filed a "Request and Order to Seize Property." The court construes Plaintiffs' "request" as a motion. There is, however, no statement included in Plaintiffs' motion relating to Local Rule 7.1(a), which requires that the movant must ascertain in advance if there will be opposition by the other party and that the movant state in the motion that there was a conference in which the nature of the contemplated motion was explained and that concurrence was denied. See E.D. Mich. L.R. 7.1(a). It is not obvious that, had Plaintiffs sought concurrence in this matter, it would have been withheld.

In addition, Plaintiffs have attached no brief to their motion, as required by the Local Rules. See E.D. Mich. L.R. 7.1(c) ("Motions and responses to motions must be accompanied by a brief."). This requirement is particularly germane in this matter where there has been no activity reflected on the docket since the court's June 30, 2005 "Order of Removal of Action As a Pending Matter," which closed the case for statistical

purposes. (See 6/30/05 Order at 1.) Plaintiffs' motion provides no explanation as to the status of the underlying bankruptcy matter, or how the status of the bankruptcy action may affect Plaintiffs' requested relief.¹ Because Plaintiffs did not seek concurrence and have failed to sufficiently inform the court of the factual and legal basis for the sought relief,

IT IS ORDERED that Plaintiffs' request to seize property [Dkt. # 16] is DENIED WITHOUT PREJUDICE.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 14, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 14, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹The court also notes that Plaintiffs refer to a November 3, 2005 judgment, which is not reflected on the docket. It is likely, however, that the November 3, 2005 date is a typographical error, and that Plaintiffs actually refer to the June 30, 2005 consent judgment [Dkt. #13]. Any future brief should clarify the date of the judgment on which Plaintiffs rely.

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